

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TANAR MCKENZIE,

Plaintiff,

v.

PIERCE COUNTY,

Defendant.

Case No. C24-5509-LK-SKV

ORDER CONDITIONALLY  
GRANTING APPLICATION TO  
PROCEED *IN FORMA PAUPERIS*

This is a civil rights action proceeding under 42 U.S.C. § 1983. Plaintiff Tanar McKenzie was formerly confined at the Pierce County Jail (“the Jail”) in Tacoma, Washington.<sup>1</sup> On June 24, 2024, Plaintiff submitted to this Court for filing a proposed prisoner civil rights complaint and an application to proceed with this action *in forma pauperis* (“IFP”). See Dkt. 1. However, Plaintiff failed to submit with his IFP application the prison trust account statement required by 28 U.S.C. §1915(a)(2). Thus, on June 28, 2024, the Clerk sent Plaintiff a letter advising him that his IFP application was deficient and that he would need to correct the deficiency not later than July 29, 2024, or face dismissal of this action. Dkt. 2. On July 24, 2024, Plaintiff filed a motion for extension of time to file his prison trust account statement. Dkt.

<sup>1</sup> Plaintiff has since been transferred to the Washington State Penitentiary in Walla Walla, WA. See Dkt. 5.

1 4. Plaintiff explains in the motion that to date, the Jail has failed to provide him with his prison  
2 trust account statement despite his request and payment for such. *Id.*

3 The Court has heard from numerous Pierce County Jail inmates in recent months about  
4 difficulties they have had obtaining prison trust account statements from Jail officials, which has  
5 resulted in delays in processing the inmates' cases. Given the difficulty Plaintiff has experienced  
6 in obtaining a trust account statement from Jail officials, and given the Court's concern that  
7 Plaintiff may be unable to correct his IFP deficiency in a reasonable amount of time in light of  
8 this delay, the Court deems it appropriate to conditionally grant Plaintiff's application to proceed  
9 *in forma pauperis* rather than grant the motion for extension.

10 Based on the foregoing, the Court, hereby ORDERS as follows:

11 (1) Plaintiff's application to proceed IFP, Dkt. 1, is conditionally GRANTED as  
12 Plaintiff's declaration indicates that he is unable to afford the Court's filing fee or give security  
13 therefore. As set forth below, an initial partial filing fee will be collected, and Plaintiff is  
14 thereafter required to make monthly payments of 20 percent of the preceding month's income  
15 credited to his account until the full amount of the filing fee is satisfied.

16 Pursuant to 28 U.S.C. § 1915, and Plaintiff's approved application to proceed *in forma*  
17 *pauperis*, the agency having custody of the above-named Plaintiff is directed to calculate an  
18 initial partial filing fee equal to 20 percent of the greater of either: (a) the average monthly  
19 deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account  
20 for the 6-month period immediately preceding the date of this Order. The initial partial filing fee  
21 should be forwarded to the Clerk of Court as soon as practicable.

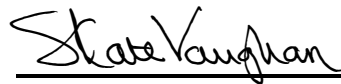
22 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency having  
23 custody of the prisoner is directed to collect and forward payments equal to 20 percent of the

1 prisoner's preceding month's income credited to the prisoner's account. If the monthly payment  
2 would reduce the prisoner's account below \$10.00, the agency should collect and forward only  
3 that amount which would reduce the prisoner's account to the \$10.00 level. Please note that this  
4 \$10.00 limit does not apply to the initial partial filing fee described above. Finally, the monthly  
5 payments should be collected and forwarded to the Court until the entire filing fee (\$350.00) for  
6 this matter has been paid.

7 (2) Plaintiff's motion for extension of time to submit his trust account statement, Dkt.  
8 4, is STRICKEN as moot. Plaintiff should continue to pursue efforts to obtain his trust account  
9 statement and he should submit the statement to the Court as soon as he is able to do so. Failure  
10 to submit the statement during the course of this litigation may result in revocation of Plaintiff's  
11 IFP status.

12 (3) The Clerk is directed to send copies of this Order to Plaintiff, to the financial  
13 officer of this Court, to the agency having custody of Plaintiff, and to the Honorable Lauren  
14 King.

15 DATED this 30th day of July, 2024.

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18 S. KATE VAUGHAN  
19 United States Magistrate Judge  
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